

Notice of Allowability

Application No.

09/757,893

Applicant(s)

ERATH, MICHAEL

Examiner

Art Unit

Mark Tremblay

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: ____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. ____.
(b) ☐ including changes required by the proposed drawing correction filed ____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☒ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
5 ☒ Information Disclosure Statements (PTO-1449), Paper No. ____.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☐ Interview Summary (PTO-413), Paper No. ____.
6 ☐ Examiner's Amendment/Comment
8 ☒ Examiner's Statement of Reasons for Allowance
9 ☐ Other


MARK TREMBLAY
PRIMARY EXAMINER

DETAILED ACTION

Drawings

Applicant has submitted obviously informal drawings. The reference characters and legends are not plain and legible. Formal drawings are required in response to this Office Action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent #5,642,190 to Krupa et al., U. S. Patent #5,367,163 to Otsuka et al., U. S. Patent #4,766,287 to Morrisroe et al., U. S. Patent #4,517,495 to Piepmeier, U. S. Patent #4,678,428 to Tanaka et al., and Japan KOKAI Publication #JP 5,126,740 are cited for showing other known methods for injecting inert gas into a plasma torch for preventing contact between the plasma and the walls of the torch chimney.

U. S. Patent #5,186,621 to Pennington is cited for showing a prior art chimney similar to that described by Applicant.

Allowable Subject Matter

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or suggest the claimed feature which applicant has described in the specification as distinguishing over the prior art: in claim 1, "wherein said first longitudinal edge is offset radially inwardly from the second longitudinal edge."

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Pennington depicts the prior art admitted by Applicant, but Pennington does not teach or suggest the novel feature described by Applicant. The other references cited by Examiner serve to define the background of the prior art, including the numerous other known methods for injecting inert gas into a plasma torch for preventing contact between the plasma and the walls of the torch chimney.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiries for the Examiner should be directed to Mark Tremblay at (703) 305-5176. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (703) 305-3503. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.


MARK TREMBLAY
PRIMARY EXAMINER

March 21, 2003